

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF EMPIRE STATE CARPENTERS
ANNUITY, APPRENTICESHIP,
LABOR-MANAGEMENT CORPORATION,
PENSION AND WELFARE FUNDS,

Plaintiff,

-against-

MEMORANDUM & ORDER
14-CV-6407 (JS) (SIL)

J.H. REID GENERAL CONSTRUCTION CO.,

Defendant.

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APPEARANCES

For Plaintiffs: Charles R. Virginia, Esq.
Elina Burke, Esq.
Virginia & Ambinder LLP
40 Broad Street, 7th Floor
New York, NY 10004

For Defendant: No appearances.

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Steven I. Locke's Report and Recommendation ("R&R"), recommending that this Court grant Plaintiff's request to confirm the arbitrator's award, and enter judgment in the amount of \$29,220.26. (Docket Entry 13.) For the following reasons, the Court ADOPTS Judge Locke's R&R in its entirety.

BACKGROUND

This action was commenced on October 30, 2014 by Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Management Corporation, Pension and Welfare Funds

("Plaintiff") against defendant J.H. Reid General Construction Co. ("Defendant"). Plaintiff alleges that Defendant failed to comply with an arbitration award rendered in favor of Plaintiff. The arbitration award directed Defendant to pay Plaintiff a total of \$27,515.26 in accordance with a collective bargaining agreement (CBA) between the parties.

On June 10, 2015 Plaintiff moved for Default Judgment. (Docket Entry 9.) On June 15, 2015, the undersigned referred Plaintiff's motion to Magistrate Judge Locke for an R&R on whether the motion should be granted. (Docket Entry 12.)

On October 19, 2015, Judge Locke issued his R&R. (Docket Entry 13.) The R&R recommends that the Court grant Plaintiff's motion to confirm the arbitrator's award and enter judgment in the amount of \$27,515.26. (R&R at 1.) The R&R further recommends Plaintiff be awarded attorney's fees in the amount of \$1,230.00 and costs of \$475.00, for a total award of \$29,220.26 (R&R at 1.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Locke's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Locke's R&R (Docket Entry 13) is ADOPTED in its entirety. The Court is directed to enter judgment in favor of Plaintiff and against Defendant in the amount of \$27,515.26, plus \$1,230.00 in attorney's fees, and \$475.00 in costs, for a total judgment of \$29,220.26. The Plaintiff is directed to serve a copy of this Memorandum & Order on Defendant and file proof of service. The Clerk of the Court is further directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: December 7, 2015
Central Islip, New York